

(2020) 11 SHI CK 0044
In the High Court Of Himachal Pradesh
Case No : Execution Petition No. 244 Of 2020

Madan Lal

APPELLANT

Vs

State Of H.P. & Others

RESPONDENT

Date of Decision : 04-11-2020

Acts Referred:

Citation : (2020) 11 SHI CK 0044

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : A.K. Gupta, R.P. Singh, Tara Chand Chauhan

Final Decision : Dismissed

Judgement

Vivek Singh Thakur, J

1. As per reply filed to the Execution Petition, it is stated that case of the petitioner has been considered in the light of judgment dated 08.03.2018, passed by the Supreme Court of India in Civil Appeal No.6309 of 2017, titled as Sunder Singh vs. The State of Himachal Pradesh & others. It is further averred that case of the petitioner has been rejected vide order dated 28.08.2020, on the ground that he is a Class-III employee, whereas, petitioners in Sunder Singh's case were Class-IV employees, thus, he is not entitled for benefit of the judgment passed in Sunder Singh's case supra.

2. The issue of equivalence of the petitioner with the petitioners in Sunder Singh's case, has not been adjudicated by the Tribunal and the same issue is required to be adjudicated in substantive comprehensive petition.

3. Faced with aforesaid situation, learned counsel for the petitioner seeks permission to withdraw the present petition to avail appropriate remedy for redressal of grievances of the petitioner.

4. Accepting prayer of learned counsel for the petitioner, present petition is dismissed as withdrawn with liberty to the petitioner to avail appropriate remedy,

in accordance with law, for redressal of grievances of the petitioner, as prayed.
Pending application(s), if any, also stand disposed of.